GOVERNMENT OF INDIA
AYURVEDA,YOGA & NATUROPATHY,UNANI,SIDDHA AND HOMEOPATHY (AYUSH)
LOK SABHA

UNSTARRED QUESTION NO:4882
ANSWERED ON:16.12.2016
Sale of Ayurvedic Medicines through Television Channels
Somaiya Dr. Kirit

Will the Minister of AYURVEDA,YOGA & NATUROPATHY,UNANI,SIDDHA AND HOMEOPATHY (AYUSH) be pleased to state:

Will the Minister of AYURVEDA, YOGA AND NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY (AYUSH) be pleased to state:

(a) whether the Government has taken note of the sale of Ayurvedic Medicines through Television channels by self declared Vaidyas without proper approval from AYUSH and if so, the details thereof;

(b) whether there is any mechanism to monitor the quality of ayurveda medicines which are being promoted/sold through Television;

(c) if so, the details thereof;

(d) if not, whether the Government has any plan to formulate guidelines/rules in this regard; and

(e) if so, the details thereof?

Answer

ANSWER
THE MINISTER OF STATE (IC) OF THE MINISTRY OF AYURVEDA,
YOGA & NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY
(SHRI SHRIPAD YESSO NAIK)
(a) to (e): Government is aware of the sale and advertisement of Ayurvedic medicines through TV channels for which no regulatory approval is required from the Ministry of AYUSH for want of any enabling provisions in the Acts meant for such medicines. All advertisements telecast on TV channels are required to adhere to the Advertising Code prescribed under the Cable TV Networks (Regulation) Act, 1995 and Rules framed thereunder. Presently, there are no regulatory provisions for pre-censorship on advertisements. Action is taken whenever violation of Advertisement Code is brought to the notice of the Ministry of Information and Broadcasting or the advertisement is found to be in contravention of the provisions of Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954 and Rules thereunder. The relevant advertisement codes are available on the website- www.mib.nic.in. Rule 7(5) under Cable TV Networks (Regulation) Act specifically provide "No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved". Similarly, the quality aspects of Ayurvedic medicines are specified in the Drugs and Cosmetics Act, 1940 and Rules thereunder and the State Licensing Authorities or Drugs Controllers are responsible to oversee the quality control of these medicines and take regulatory action against the medicines found to be misbranded, adulterated, spurious or substandard. Mechanisms in place and steps taken for quality control of products sold or promoted through advertisements are as follows-

i) Ministry of Information and Broadcasting has constituted an Inter-Ministerial Committee (IMC) to look into the violations of advertisement code suo-moto or whenever violations of the advertisement code are brought to the notice of the Ministry in respect of private TV channels. The Inter-Ministerial Committee meets periodically and recommends actions in respect of alleged violations reported. An advisory was also issued by the Ministry of Information and Broadcasting on 21.8.2014 advising all TV channels not to telecast advertisements which were found to be violating the provisions of Cable Television Networks Rules, 1994, Advertising Standards Council of India (ASCI) Code and also Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954.

ii) As part of the self-regulatory initiative of the industry, Advertising Standards Council of India (ASCI), a voluntary body of advertisement industry, promotes self-regulation of advertisement content by monitoring and deciding on complaints against advertisements making misleading, false and unsubstantiated claims of the products including Ayurvedic medicines.

iii) Complaints about the misleading content of the advertisements of Ayurvedic medicines received in the Ministry of AYUSH from any source are forwarded to the concerned State Licensing Authorities with the direction to take necessary action in accordance with the provisions of Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and Drugs & Cosmetics Act, 1940 and Rules thereunder. State authorities have reported to have taken action in these cases.

iv) Ministry of AYUSH in consultation with Ayurvedic, Siddha and Unani Drugs Technical Advisory Board (ASUDTAB) have framed and notified draft rules for prohibition of misleading advertisements of Ayurvedic, Siddha and Unani drugs in the Official Gazette vide GSR No. 396(E) dated 4th April, 2016 to amend the Drugs and Cosmetics Rules, 1945.

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